

REMARKS

Claims 12-13 stand rejected under 35 U.S.C. 103(a) as being unpatentable over Clerc (U.S. 4,701,028) in view of Wei (“Wide Viewing Angle Polymer Stabilized Homeotropically Aligned (PSHA)”). Applicants respectfully traverse this rejection because neither reference, taken alone or in combination, discloses or suggests that first and second polarizers have axes arranged at an angle of 90° with respect to one another, as in claims 12-13 of the present invention, as amended, or alternatively because the two cited references expressly contradict one another, and therefore cannot be combined as the Examiner proposes.

Clerc specifically teaches that the linear polarizers 21, 22 are “disposed in such a way that these respective maximum absorption axes P_1 and P_2 *are parallel to one another.*” (Col 5, lines 12-14, emphasis added). Accordingly, Clerc expressly teaches away from the present invention, which now more clearly recites that the polarizing axes of the first and second polarizers are perpendicular with respect to one another. Accordingly, Clerc cannot form the basis of an obviousness rejection against the present invention because the reference expressly teaches away from recited limitations in the claims.

Wei briefly mentions “crossed polarizers” (second page, first column, first and second full paragraphs of the reference), but does not teach or suggest that such crossed polarizers necessarily arrange their polarizing axes at 90° with respect to one another. Nevertheless, even if the Examiner were to assume that the “crossed” nature of Wei’s

polarizers included an angle of 90° to their respective axes, the reference would still directly contradict Clerc, which requires parallel axes to its polarizers. A *prima facie* case of obviousness cannot be established based on a combination of references that expressly contradict one another with respect to the relevant subject matter of the claimed invention. Accordingly, for at least these reasons, the Section 103 rejection of claims 12 and 13 based on a combination of Clerc and Wei is respectfully traversed.

Applicants further traverse the rejection because the Examiner has not cited to an actual teaching or suggestion within the prior art references for making the proposed combination. Clerc specifically describes how the purpose of the disclosed liquid crystal cell is to improve a contrast ratio of a liquid crystal display device having a homeotropic structure by compensating a birefringence of a liquid crystal layer in its homeotropic structure during an oblique observation. (See col. 1, line 66 to col. 2, line 22). The present invention, on the other hand, is drawn toward the liquid crystal display device that improves such problems as deterioration in brightness, which can occur when the liquid crystal molecules are inclined from the vertical direction (i.e., homeotropic direction). (See, for example, page 17, line 9 to page 19, line 15 of the present Specification). Accordingly, because neither Clerc nor the proposed combination of Clerc with Wei addresses or solves the same problems as the claims of the present invention, the present invention would not be obvious to one skilled in the art from even the Examiner's proposed combination.

Similarly, the motivation expressed by the Examiner for making the proposed combination does not satisfy the requirements of a *prima facie* case of obviousness under Section 103. Section 2143.01 of the MPEP requires that the prior art itself must suggest the desirability of the claimed invention. This requirement is not satisfied by only showing that the references *can be* combined, or by the fact that the combination or the claimed invention is within the capabilities of one skilled in the art. Instead, the Examiner is specifically required to demonstrate how the prior art would direct one skilled in the art to make the actual combination proposed by the Examiner. In the present case, however, this requirement has not been satisfied.

Although the Examiner asserts that the Wei reference “indicates that a device of the same type as [Clerc] can be aligned stably and made fast by using a polymer network,” the cited text from Wei does not actually support the Examiner’s assertion in this regard. The portion of Wei cited by the Examiner only teaches generally “wide viewing angle LCD’s with homeotropic alignment”, and that “polymer to stabilize the liquid crystal in a gibbous lattice” can be used. Accordingly, Wei indicates nothing more than the application of its teachings to wide viewing angle LCD’s in general, and not necessarily to the specific device taught by Clerc, which is asserted by the Examiner to be analogous to many specific features of the present invention that are not taught or suggested by Wei.

The Examiner further asserts that avoidance of rubbing, the increase in response speed, and the general suggestion to utilize polymer resin also provide the

motivation from the prior art for one skilled in the art to make the proposed combination. Applicants submit though, that this additional rationale does not teach the proposed combination either. These alleged advantages from the prior art references only suggest that the references may be combined, but do not direct one skilled in the art to understand that the references should be combined. As discussed above, the Clerc reference actually teaches away from such a combination, by requiring parallel axes to its linear polarizers. Accordingly, for at least these reasons as well, the Section 103 rejection of claims 12 and 13 is again respectfully traversed.

For all of the foregoing reasons, Applicants submit that this Application, including claims 12-13, is in condition for allowance, which is respectfully requested. The Examiner is invited to contact the undersigned attorney if an interview would expedite prosecution.

Respectfully submitted,

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